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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**JOINT STATEMENT PURSUANT TO
SEARCH TERM PROTOCOL**

Judges: Hon. Vince Chhabria and
Hon. Jacqueline Scott Corley

On June 18, 2020, the Court entered the Parties' Stipulation regarding the search term negotiation schedule and process (Dkt. 461) ("Search Term Protocol"). The Search Term Protocol indicated, *inter alia*, that:

Facebook will identify to Plaintiffs by June 19, 2020, any discovery requests in Plaintiffs' First or Second sets of Requests for the Production of Documents that it categorically challenges as not relevant to the claims or defenses in this action. The parties will meet and confer on June 22, and present any unresolved issues to the Court and specifically to Judge Corley no later than June 26.

Id. at 3.

Facebook notified Plaintiffs on June 19, 2020 that it does not categorically challenge on relevance grounds any RFPs in Plaintiffs' First or Second Sets of Requests for Production. Facebook reserved all rights with respect to the scope of materials that it will produce in response to Plaintiffs' requests. Facebook also noted its continued privilege objection to Plaintiffs' RFP 19 (as currently worded).

Plaintiffs' Statement

As a result of this search term negotiation process, it is now clear that the parties have not reached full agreement on the scope of what Facebook will produce. Notwithstanding Facebook's representation that it does not categorically object to the relevance of Plaintiffs' RFPs, Facebook maintains that it intends to limit the scope of relevant discovery. Plaintiffs have asked Facebook to specify what those limits are—*i.e.*, what categories of documents responsive to Plaintiffs' RFPs Facebook plans to withhold, consistent with the requirements of Fed. R. Civ. Proc. 34 (b)(2)(C). Facebook has not yet identified those limits. Transparency on these issues is critical at this stage of the process as the parties engage in search term negotiations and discussions about how to identify, collect and produce responsive materials.

Plaintiffs have requested a further conference with Facebook to discuss these issues and any unresolved issues will be raised for discussion at the next status conference with the Court. (Dkt. 459 at 2.)

Facebook's Position

There is no dispute as to categorical relevance for the parties to present to the Court at

this time. In the Search Term Protocol, the parties agreed to present to the Court by June 26, 2020, any unresolved issues regarding “discovery requests in Plaintiffs’ First or Second sets of Requests for the Production of Documents that [Facebook] categorically challenges as not relevant to the claims or defenses in this action.” Dkt. 461 at 3. On June 19, Facebook informed Plaintiffs that it “does not ... object in full on relevance grounds to any RFPs in Plaintiffs’ First or Second Set of Requests for Production.”

That’s not to say that the parties have reached agreement on every aspect of Facebook’s production. As in any litigation, the parties seem to have some initial differences of opinion regarding the appropriate scope of materials that should be produced in response to certain document requests. But the parties are working through those issues: We met and conferred on Wednesday to begin discussing a plan to identify and resolve any disputes regarding the scope of materials that Facebook will collect and produce, and these conversations will continue in the weeks ahead. Any disagreements about relevance that may arise in those conversations will be resolved through usual process of negotiating an agreed scope of production for each RFP. Those disputes are not ripe for resolution at this time, in a vacuum, before the parties have even begun their search term negotiations.

Dated: June 26, 2020

KELLER ROHRBACK L.L.P.

By: s/ Derek W. Loeser
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Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed Friday, June 26, 2020, at Oakland, California.

s/ Lesley E. Weaver

Lesley E. Weaver

CERTIFICATE OF SERVICE

I, Lesley E. Weaver, hereby certify that on June 26, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

s/ Lesley E. Weaver

Lesley E. Weaver